



## West Coast Seafood Processors Association

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*Serving the shore based seafood processing industry in  
California, Oregon and Washington*

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October 11, 2002

ADM James D. Watkins  
Chairman  
U.S. Commission on Ocean Policy  
1120 20<sup>th</sup> Street NW  
Suite 200 North  
Washington, D.C. 20036

Dear Admiral Watkins:

Thank you for the opportunity to participate in the Commission's meeting in Seattle. I hope the information provided in my oral and written presentations will be helpful.

You asked that I provide additional information on the following:

“Please provide a list of activities and events that you believe have been obstacles to State implementation of actions to protect and improve the health of marine waters.”

Since our Association deals primarily with marine fisheries that are generally regulated under federal law, we have not had that much involvement with State activities that may affect the health of marine waters. However, we have had several cases where State regulations on water quality have affected the ability of our members to operate. Since these regulations are based on federal law, some discussion may be relevant here.

As you know, the Federal Water Pollution Control Act (FWPCA) - known popularly as the Clean Water Act - stipulates that the condition of discharge waters be addressed, regardless of the condition of receiving waters. While there is some logic in this, the logic fails when applied to natural material such as fish waste which is discharged into well-flushed marine areas and rapidly dispersed or consumed by resident organisms. In such cases, requiring significant (and costly) monitoring, testing, and permitting makes little sense. Unfortunately, both State and federal laws impose this burden.

Another problem exists with the requirement to determine total maximum daily loads (TMDLs) of pollutants in water bodies. Again, fish waste is treated as a pollutant, in the same way as oil, chemical or sewage discharges. However, in establishing TMDLs, State water quality agencies need to assign a TMDL to each “polluter” through a negotiated process. Thus, for example, a fish processing plant that is discharging natural material at varying levels throughout the year -

depending on the volume of fish being received - must compete with non-point pollution, urban runoff, other industrial discharges, and municipal wastewater systems for a share of the TMDL. Since fish processing companies are often small entities, this requires them to go up against major urban areas in an attempt to maintain their operations. To be blunt, a small fish processor employing 25 people is not going to be able to hold its own against a city government with deep pockets that knows it cannot fix an urban runoff problem.

The simplest answer is to amend the FWPCA to provide exceptions for the discharge of fish waste in cases where the waste has no effect on the quality of the receiving water.

As I said in my testimony before the Commission, we need to make a societal choice as to whether we want an ocean that provides economic benefits, or a blue zoo. The water quality issue is one more aspect of that choice.

Sincerely,

Rod Moore  
Executive Director